

EXCITING END OF GILLETTE TRIAL

Lawyer Says Doctors
Who Held Autopsy
Swore Falsely.

CHARGES OF GRAFT ARE FREELY MADE

District Attorney Leaps to Feet
and Says Gillette's Counsel Has
Told Untruth—Audience
Waits With Bated
Breath for
Rupture.

HERKIMER, N. Y., December 2.—Never perhaps in the history of Herkimer county justice has the closing scenes of a murder trial been characterized by such bitter attacks of counsel as developed in the summing up of the Gillette case to-day. Judge Divendorf had expected to give the case to the jury to-day, but after District Attorney Ward had spoken for fifteen minutes, court adjourned until to-morrow morning.

Former Senator A. M. Mills, a close personal and political friend of the prosecutor, made the last appeal to the jury to acquit Chester E. Gillette of the murder of Grace Brown, at Big Moose Lake, July 1905. He dramatically declared that the five physicians who had sworn that there was a blood-clot on Grace Brown's brain had sworn to a falsehood; that they had gotten together and agreed upon a common story for the witness-stand, and deliberately withheld testimony favorable to his client, intimating that the physicians were improperly influenced, he added:

"If there is an investigation of graft, some of these five doctors may figure in it. They were paid large fees to give evidence, which it was thought was so prepared that it would convince this jury. I charge here and now—and I know personally each of the physicians—that they did not bring in all the facts, they did not report some things favorable to this boy. Each of these doctors knew that a fraud was being perpetrated. You can't pick out five reputable physicians in the county who would do such a thing as these doctors did."

"Lie" Much Banded.

District Attorney Ward jumped to his feet and launched into a scathing denunciation of Senator Mills and the methods he had taken to sway the jury over to the defense.

"When Mr. Mills stands here and tells you, as he just has, he said, 'that those five doctors, respectable men of Herkimer county, and your friends, who enter your homes, perhaps every day, are liars, and liars, he says that which is not true. He doesn't expect by that address to influence the jury. He expects to make a rascal of you. You know some times men get on juries who have debts of gratitude to pay, from a year back years ago, and they pay them by violating the rules and the rules of the jury. And he expects to make a rascal of you. That is what is called a rascal on a jury, and he hoped there might be a rascal among you."

After declaring the case for the defense had sought to find a rascal in the jury, Mr. Ward continued: "They say this young man should have been represented at that autopsy. How could he be represented when the officers were in the Adirondacks looking for him at the time the autopsy was performed? And then because he was not represented, Mr. Mills attempt to discredit the word five reputable doctors brought here, and he attempts to make a doctor of himself and tries to tell what constitutes drowning."

"Now, what constitutes drowning? Nobody knows but what the girl had been drowned until they found that wound in the hair and followed it to the brain."

"And when they found that blood-clot they knew what caused her death—it was a blow on the head."

"Now, what constitutes death? Did he mean when he told you about graft that existed? Was there any graft when that poor girl was brought up into the woods to be murdered? Did graft cause that? What did he mean?"

Catch Foolish Juror.

"I charge here and now that that little falsehood was put into the case for the purpose of prejudicing some poor foolish juror and to keep him from giving proper consideration to the evidence in the case."

In this strain, so excited at times that the big audience for a murder case would have been brought to a spectacular close a day of steady speech-making, full of dramatic periods.

Sentinel Mills had contended that Grace Brown committed suicide, but that his client had been unfairly dealt with by the jury. He had, he said, been pitted against the united powers of a persistent district attorney's department, an unscrupulous sheriff's department and a biased and unfair public press. The district attorney had failed to show any plausible motive for the terrible murder laid at Gillette's door; he had failed to produce the eyewitnesses he was expected to produce on the strength of his opening address, and he failed to prove that Gillette had any sweetheart other than Grace Brown, as he promised to do.

Mr. Mills declared that nothing authentic had been presented to the jury that was inconsistent with the course a boy and girl in similar trouble would have taken in seeking relief and secrecy to shield their reputations.

Mr. Mills averred that Grace Brown followed the witness-stand by her in order of the letters to Gillette "that she drowned herself hoping to be buried with her secret hidden from the mother whose love she valued more than her own life."

LEVY WILL WORK FOR BETTER MILK

Not as Free From Bac-
teria as Public Health
Demands.

OPPORTUNITY IS OFFERED BY RAISE

Dr. Bryce Ridicules Idea of
Menace, But Denounces "Com-
bination" for Increasing
Price—Dealers' Side
of City's New
Problem.

DEALERS SIDE OF MILK QUESTION.

Statement of comparative values, furnished by Mr. H. C. Beattie, of "Woodland," for many years manager of the Bloomsdale Dairy for the Ginter estate:

Cows—1880, \$35 to \$40; 1902, \$75 to \$90.
Bran—1880, \$10; 1902, \$24.
Meal—1880, \$13; 1902, \$30.
Labor (per man)—1880, \$8 (per month); 1902, \$27.50 (per month).

WHAT MILK BROUGHT.
To producer—1880, 25c. (gallon); 1902, 24c. (gallon).
To dealer—1880, 40c. (gallon); 1902, 40c. (gallon).
In this way it is apparent that enormous advances in the cost of production of milk have occurred within the past twenty-six years, and that the price now asked is in reality no greater than it was under the more favorable conditions. The cause for the decline in the interim is not stated. The cows, which have more than doubled in value, are for the most part of inferior quality, and the vastly higher-priced labor is shiftless and careless.

More discussion than ever is being excited by the milk problem, and the agitation increases as the days go by. Many regard the action of the dealers in raising the price to ten cents a quart in the light of a hold-up, while others see in it an opportunity to force the dealers and producers to furnish the city with a cleaner and purer supply.

Dr. C. A. Bryce, of this city, is emphatic in denouncing the action of the dealers, which he thinks is the result of a "combination," while disparaging the idea that the milk is so bacteria-laden as to be positively dangerous.

He says that in Richmond, with a population of 87,346, there were but nine deaths of children under two years of age for the month of October from diarrhea, and that in the same month there were ten deaths from fractures and other accidents, which leads him to believe that a child has an equal chance of dying from bacteria-laden milk or from accident.

On the other hand, Dr. E. C. Levy sees in the action of the dealers an opportunity to force the issue of making them comply with a stricter standard in the milk supply, which he has been working on ever since he went into his office as city health officer.

He regards the present price as exorbitant, and not justified by the present quality of the milk. If the purity and cleanliness of the milk were increased as he would, and what he expects to have it, then, he says, it would be a fair price.

Housekeepers generally are dissatisfied, and at least one has suggested that they boycott the dealers. The matter is being agitated throughout the city, and its end is not yet.

What Dr. Levy Says.

Dr. E. C. Levy, City Sanitary Chemist and Bacteriologist, says that "milk is the most important single article of diet. It contains, in a ready assimilable form, all the necessary constituents of a complete food. But its chief claim to importance is that it is properly the sole article of diet of many infants during a considerable part of their existence. It is also a food especially adapted for invalids." After outlining the dangers of dirty milk, Dr. Levy goes on to say, in a recent pamphlet issued by him on the subject of the "Milk Supply of Richmond," that "milk is the only proper food for infants who cannot obtain the nourishment which nature intended for them, and is a valuable food for adults."

"But the fact that so many infants are dependent upon cow's milk for their very life is sufficient reason for taking all

(Continued on Third Page.)

THREE KILLED IN EAST RIVER TUNNEL

Candle Explodes Can of Giant
Powder—Fourth Man
Dying.

NEW YORK, December 3.—A spark from a candle carried by a laborer dropped into a can of giant powder and caused an explosion among a gang of workmen in the Pennsylvania Railroad tunnel under the East River to-night. Three men were killed outright, and a fourth is dying, of twelve others less seriously hurt, two required hospital treatment. The other, suffering chiefly from burns, were attended on the spot and sent home. The explosion occurred in the tube close to a shaft sunk between the Long Island Railroad Station, at Long Island City, and the river.

The dead: Stomony Schmidt, of Brooklyn; Frank Stodivine, colored, Manhattan; John Woreges, Brooklyn.

Fatally hurt: Robert Renner, colored. The tube is being worked both ways from the shaft, and the explosion occurred while laborers were busy at the foot of the shaft. The damage to the works was small.

PRINCIPALS IN THE MAYBRICK CASE AND ONE OF ATTORNEYS FOR THE PLAINTIFF



MRS. MAYBRICK IN RICHMOND COURT

Appears Here With Mother Dur-
ing Argument of Long-
Standing Case

CURIOUS CROWDS ATTEND Entire Session Consumed by Speeches of Mr. Montague and Mr. Carter.

The entire session of the Chancery Court of the city of Richmond was taken up yesterday with the hearing of argument by counsel in the case of Caroline E. von Roques vs. D. W. Armstrong, a long pending suit, involving title to millions of acres of lands in three States. Attorney Hill Montague opened the argument for the plaintiff, speaking until late in the afternoon session, when he concluded.

Mr. Hill Carter, representing the defendant, began speaking late in the afternoon, and had not concluded when, at 6 o'clock, the court adjourned for the day. Mr. Hayden, of Washington will follow for the plaintiff, and Mr. Phil B. Shield will conclude the case for the defendant.

Interesting as the case is of itself, it is overshadowed in public interest by the facts that the plaintiff is the mother of Mrs. Florence Maybrick, and that both ladies were in the courtroom all day during the long argument of the cause.

Hundreds of people went to the court during the day to get a glimpse of Mrs. Maybrick, the woman once condemned to death for the killing of her husband, but whose sentence was later commuted to imprisonment, and finally suspended.

Mrs. Maybrick was gowned in a becoming suit of gray, with hat trimmed with velvet.

Her dark hair is still untouched by gray, and while her face bears the marks of suffering, she is looking unusually well. She made a most favorable impression upon those who saw her yesterday, as did the baroness. All day they sat quietly in the courtroom listening to the attorneys as they explored the ramifications of this voluminous case.

Upon adjournment of the court they left accompanied by their attorney for the Hotel Richmond, where they are quartered during their stay in Richmond.

LAY KEEL PLATES FOR SECOND DREADNAUGHT

PORTSMOUTH, ENG., Dec. 3.—The keel plates of another Dreadnaught were laid here by Admiral Sir Archibald Douglas, the commander-in-chief at Portsmouth this morning. The new battleship will be larger and more powerful than the first Dreadnaught, and as much of the preliminary work has already been done, it is expected that her construction will progress rapidly.

RAWLINGS TO HANG FOR
MURDER OF CHILDREN

ATLANTA, GA., December 3.—Governor Terrell refused to-day to interfere in the case of J. G. Rawlings and Alfred Moore, the latter a negro, both of whom are sentenced to hang at Valdosta, Ga., to-morrow, for the murder of the Carter children, more than eighteen months ago. Jesse and Milton Rawlings, sons of J. G. Rawlings, convicted of complicity in the crime, are sentenced to hang next Friday, but their cases will be heard by the pardoning board Thursday.

BOY SLIPS ON SAW:
BODY CUT IN TWO

(Special to The Times-Dispatch.)
CHATHAM, VA., December 3.—Herbert Williams, aged nineteen, of Chestnut Level, was cut in two by falling on a rapidly-revolving saw to-day. He is a son of C. L. Williams. He was employed at the mill, and in passing the saw slipped and fell.

CIRCUS IN TRAIN WRECK 1 KILLED, OTHERS HURT

Conductor, Held Responsible by Show Men, Is Beaten
Into Insensibility; Sheriff Gets Posse and Finally Ar-
rests Men Who Assaulted Trainman.

CHARLOTTE, N. C., December 3.—The train hauling John H. Sparks' circus was wrecked this morning at Robledo, a small station on the Aberdeen and Asheboro Railroad, twenty miles below Troy, N. C. One showman was killed and two were badly injured as a result of the smash-up.

The cause of the wreck is unknown. Several of the cars were damaged, and two horses and a pony killed.

The blame for the accident was placed upon the conductor by the showmen. Immediately after the wreck, several of them, infuriated by the death of their companion, attacked Conductor Slack and beat him into insensibility. They escaped into the woods and have not been apprehended.

Some Company "Shot Up Town"

War Department, Preparing for
Investigation, Finds Out Some-
thing About Negro Troops.

WASHINGTON, December 3.—The War Department is preparing for an investigation by Congress of the case of the companies of the Twenty-fifth Infantry recently discharged without honor by order of President Roosevelt, and to this end has compiled a record of negro troops dating back to the Civil War. It is said that this record discloses a state of affairs not generally known, and that once before, at least the Twenty-fifth Infantry "shot up a town." The affair happened in 1862 at Fort Sledge, Dakota.

Some of the negro soldiers went on a rampage similar to that at Brownsville, Texas, and one of their number killed a citizen. In that case, however, the citizens took the matter into their own hands, forced the troops under pain of death to disclose the names of the men who did the killing, and then took him out and lynched him.

GREAT GULF BETWEEN TOILERS AND THE RICH

LINCOLN, NEB., December 3.—William J. Bryan made an address at the opening of the Union Labor Fair this evening, in which he said:

"There is a great gulf existing between the toiling classes and those who live without toiling, but at the present time brain and muscle are working in closer harmony than they have for many years. To-day the world does not care for the non-producer, and the laborer ranks much higher than the idle man who lives on the income left him."

"A man who refuses to work cannot attain a high moral standard. The real pauper is not the man living in poverty, but the one that does not produce anything. The pauper may be found among the rich classes, where idleness takes the place of work."

SEVERELY STABBED. HE KILLS TWO OTHERS

ATLANTA, GA., December 3.—J. D. Anderson, after being stabbed in the breast last night, shot and killed Arthur Asbury and probably fatally wounded Ernest Asbury. All are negroes. According to the situation in rear of the Asburys, the Asbury brothers were trying to persuade Asbury to leave him, and when he ordered them away, Arthur Asbury stabbed him. Anderson then opened fire, killing Arthur and probably fatally wounding Ernest.

COMMISSION TO LOOK
INTO CAR SHORTAGE

WASHINGTON, December 3.—The car shortage throughout the United States will be investigated by the Interstate Commerce Commission. Commissioner Lane, who has been looking into the matter, said to-day that the commission will take up the situation in the Northwest first. Agents are now in that section investigating complaints against the wheat carrying roads.

Gave Girl Whiskey.

(Special to The Times-Dispatch.)
BRISTOL, VA., December 3.—Amos Roper, a white man, and the father of a family, was arrested and bound to court in Bristol to-day on the charge of having attempted to criminally assault Carrie Smith, the twelve-year-old daughter of Mrs. Martha Smith. It is charged that Roper gave the girl whiskey. He was hurried to jail at Abingdon for safe-keeping.

EARLY CLOSING LAW IS PASSED

Umlauf Ordinance Am-
ended. Then Adopted
by Unanimous Vote.

APPROPRIATION FOR VETERANS INCREASED

Poe Monument Resolution Went
Through After Debate—Move-
ment to Inquire Into the
Charges for Telephone
Service—New
Park.

Important Work of Council Last Night

Umlauf ordinance providing for early closing of saloons adopted, with provisions referring to foreigners, females and minors eliminated. Vote, unanimous.

Appropriation for entertainment of Confederate Veterans' Reunion increased from \$10,000 to \$20,000. Vote, 28 to 5.

Resolution appropriating \$5,000 to aid in erection of monument to Edgar Allan Poe adopted. Vote, 25 to 8.

Resolution appropriating money for conversion of Third Market into public auditorium referred back to committee.

Ordinance introduced and referred providing for ten per cent. increase in salaries of police officers, from chief down.

Petition offered asking for appropriation of \$15,000 for new public park near Fulton.

Resolution looking to grading, paving and improvement of alleys adopted.

Resolution calling for investigation of charges for telephone service by Southern Bell Company adopted.

Other Matters.

The ordinance proposing an appropriation of \$5,000 for the erection of a monument to Edgar Allan Poe, conditioned upon raising of a like sum by the Poe Memorial Association, was passed with but eight votes in the negative. Mr. Lynch sought to have the right of the city to appropriate money for such purposes subjected to legal scrutiny, but the effort was thwarted. Thereupon he gave notice that the matter would be tested if it had to be in the courts.

The Council, after considerable opposition from the Finance Committee amended its appropriation for the entertainment of Confederate veterans of the common next year by making the total appropriation \$30,000 instead of \$15,000, as recommended by the committee. The auditorium matter was recommitted to the Committee on Finance and Grounds and Buildings jointly.

Many resolutions or ordinances were offered and referred or acted upon by the Council.

Session in Detail.

The roll-call showed the presence of Messrs. Atkinson, Barber, Biley, Cannon, Cary, Don Leavy, Ferguson, Garber, Gates, Green, G. B. Hobson, Huber, Lea, Lynch, Mills, Miner, Horton, Neagle, Peters, Phillips, Folwell, Pollock, Powell, Richards, E. D. Richardson, W. F. Richardson, Spence, Umlauf, Well, D. M. White, W. L. White, Williams and Wiltshire.

The clerk officially announced that Mr. James H. Cannon, elected a member of the Council at the last regular election.

(Continued on Second Page.)

BOY OF FIFTEEN SHOTS DOWN TWO

Both Mortally Wounded—Alter-
cation Began in Saloon Over
Game of Cards.

NEW YORK, December 3.—John Napanaro, fifteen years old, was arrested to-day, charged with having shot and mortally wounded Francesco Damiano, twenty-six years old, and Donato Battila, thirty-three years old, in an altercation in a saloon in Garfield Place, Brooklyn.

The police say that Frank Napanaro, proprietor of the saloon and father of the boy who was arrested, Damiano and Battila had a dispute earlier in the day while in a game of cards in the saloon, with the result that Damiano and Battila were ejected from the place. Later, it is alleged, they returned to the saloon, both armed with pistols. John Napanaro, according to the police, opened fire on the two men with a pistol. Damiano dropped to the ground and died in a few minutes. The other man received a bullet in his brain and died in a hospital ambulance.

Napanaro denied that he knew either of the men he was accused of having killed.

TO ASK PRESIDENT FOR INFORMATION

Penrose Startles Senate
by Resolution Relating
to Negro Troops.

HIS COURSE IS UNPRECEDENTED

Unusual for Any Matters to Be At-
tended to Until President's
Message Has Been Read.
Long List of Ap-
pointments Sent
to the Senate.

WASHINGTON, December 3.—The fifty-ninth Congress began its last session at noon to-day. It took the Senate fifteen minutes to arrange its preliminaries and the House of Representatives an hour. The Senate received from President Roosevelt a long list of appointments for its confirmation, and in an executive session of fifteen minutes decided that as the nominations had been received before the body had been organized formally, to make no confirmations until the President's annual message had been received and the session fairly started.

Senators Penrose, of Pennsylvania, and Foraker, of Ohio, came forward with resolutions of inquiry regarding the discharge of the negro troops of the Twenty-fifth Infantry. One was addressed to the President and the other to the Secretary of War. Vice-President Fairbanks suggested that it was unusual to transact any business until the President's message had been received, and the resolutions "went over" by unanimous consent.

Senator Dupont, of Delaware, took the oath of office.

The opening of the two houses was witnessed by a number of officers, which filled the galleries to their capacity. Hundreds went away disappointed in not gaining admission to witness the session of either Senate or House.

New Members Take Oath.

The following new members of the House presented their credentials and took the prescribed oath of office.

W. P. Enkeleight, First District of California; J. W. Overstreet, First District of Georgia; F. C. Lowden, Thirtieth District of Illinois; C. C. Gilhaus, Twelfth District of Indiana; D. J. Flordan, Eighth District of Iowa; J. E. Reuburn, Second District of Pennsylvania; J. W. Moore, Third District of Pennsylvania; C. N. Brum, Twelfth District of Pennsylvania; E. W. Saunders, Fifth District of Virginia; J. M. Nelson, Second District of Wisconsin; Frank H. Waskey, delegate, Alaska.

Speaker Cannon appointed Representative James B. Mann, of Illinois, as a member of the board of regents of the Smithsonian Institute, vice Robert R. Hitt.

The galleries of the House were crowded at an early hour. The absence of flowers from the desks of the members was much commented on, but the order of the Speaker, prohibiting the floral display, was generally commended for its good sense. A similar rule was made in the Senate two years ago.

The presence of Mrs. Nicholas Longworth, daughter of the President, in the executive gallery, accompanied by Mrs. Hagner, the social secretary to the wife of the President, gave the women in the galleries an opportunity to observe the wife of the Representative from the Cincinnati district at close range.

Await Message.

The routine work of the House incident to the opening day was quickly despatched, the roll-call showing nearly 300 members present.

After the appointment of the usual committee to wait upon the President and inform him that the House was ready to receive any communication he might desire to make of interest to the public service, the House adjourned out of respect to the memory of the deceased President.

President Roosevelt's message will be received both in the House and the Senate to-morrow. No bills were introduced in the Senate. In the House there were 28 public measures and 30 of a private character.

PENROSE'S MOVE SURPRISES ALL

He and Foraker Call for Facts in
Connection With Discharge
of Negro Troops.

WASHINGTON, December 3.—Surprise hit up the faces of the Senators to-day when Mr. Penrose introduced into the formal opening ceremony of that body a resolution of inquiry addressed to the President regarding the dismissal of the three companies of negro troops of the Twenty-fifth Infantry.

When Mr. Penrose said he had a resolution for which he should like immediate consideration, Mr. Fairbanks arose and, after hesitating a second, remarked: "The usual rule is not to consider resolutions or miscellaneous business until after the message of the President is received."

"Then," retorted Mr. Penrose, "I shall ask unanimous consent to have the resolution read."

This was granted. It follows:

"Resolved, That the President be requested to communicate to the Senate, if not inconsistent with the public interests, full information bearing upon the recent order dismissing from the military service of the United States three companies of the Twenty-fifth Regiment of Infantry, United States troops, colored."

Offers Substitute.

Mr. Foraker, of Ohio, was on his feet at once, saying: "I have a substitute for that in the following resolution, and I ask that it be read, and that both lie over."

Mr. Spooner secured the re-reading of the first resolution, and Mr. Warren, of Wyoming, asked that both go over. The Foraker resolution was read at his request. It was addressed to the Secretary of War, directing that official to furnish the Senate copies of all official letters, telegrams, reports and orders filed in the War Department in connection with the